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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

## JACK FRANCIS BRUCE,

Case No. 25-cv-01297-YGR

Plaintiff,

**FIRST AMENDED COMPLAINT FOR  
DAMAGES:**

VS.

- (1) FALSE ARREST (42 U.S.C. § 1983)
- (2) EXCESSIVE FORCE (42 U.S.C. § 1983)
- (3) AMERICANS WITH DISABILITIES ACT
- (4) CALIFORNIA CIVIL CODE §52.1
- (5) CALIFORNIA CIVIL CODE § 51.7
- (6) COMMON LAW FALSE ARREST
- (7) COMMON LAW BATTERY
- (8) COMMON LAW NEGLIGENCE
- (9) COMMON LAW INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS
- (10) COMMON LAW DEFAMATION
- (11) MEDICAL GROSS NEGLIGENCE

## **DEMAND FOR JURY TRIAL**

Plaintiff JACK FRANCIS BRUCE by and through his attorneys, ALTAIR LAW and BRENT & FIOL, LLP, for his First Amended Complaint against defendants, states as follows:

## I. INTRODUCTION

1. On April 1, 2024, plaintiff JACK FRANCIS BRUCE ("PLAINTIFF") was driving home after visiting his grandmother when, for the first time in his life, he suffered a tonic-clonic (previously known as a *grand mal*) brain seizure. PLAINTIFF's car slowed and rolled to the roadway shoulder,

1 and then down a short embankment until it was stopped by small trees. Two other drivers stopped to  
 2 assist PLAINTIFF, who was uninjured but unresponsive. One of them ran to PLAINTIFF'S car and  
 3 was able to turn it off and take the keys, as PLAINTIFF continued to be in throes of a seizure. The  
 4 other called 911 and expressly stated that PLAINTIFF appeared to be having a seizure - a fact that was  
 5 conveyed by dispatchers to both police and medical responders. Fortunately, the seizure and resulting  
 6 accident caused no injuries or significant damage.

7. While the *car accident* caused no injuries, the *first responders* did. Three Hercules  
 8 Police Department officers, defendants ANGEL GARCIA ("GARCIA"), MICHAEL THOMPSON  
 9 ("THOMPSON") and JOSHUA GOLDSTEIN ("GOLDSTEIN"), responded to the scene. All three  
 10 were on notice that PLAINTIFF appeared to be suffering from an epileptic seizure and, when they  
 11 encountered him, they saw that he was rendered incoherent and unable to respond by the seizure. As  
 12 they spoke to him, he either spoke nonsense or fell asleep from exhaustion.

13. Defendant DANIEL COLLYER ("COLLYER"), a paramedic employed by defendant  
 14 RODEO-HERCULES FIRE PROTECTION DISTRICT ("RHFDP"), also responded to the scene, and  
 15 at that point became responsible for PLAINTIFF'S care under California law.

16. Like the officers, COLLYER was fully aware that PLAINTIFF was reported to be  
 17 suffering from a seizure. COLLYER heard the same dispatch reports as the three officers, was told by  
 18 defendant GARCIA immediately upon his arrival that PLAINTIFF appeared to be suffering from a  
 19 seizure, and could see with his own eyes that PLAINTIFF displayed typical signs of being in the  
 20 postictal phase of a seizure, including confusion, exhaustion, and profuse sweating. GARCIA also told  
 21 COLLYER there was no evidence PLAINTIFF used alcohol or drugs.

22. The individual defendants were trained and knew that the last thing to do when dealing  
 23 with a seizure victim is restrain him, because seizure victims often react instinctively to physical  
 24 contact. Ignoring this training, the officers repeatedly poked, prodded, shook, and yelled at  
 25 PLAINTIFF, ordering him to leave his car. When that did not work, because PLAINTIFF had not yet  
 26 recovered the ability to understand what was happening around him, the officers, with COLLYER's  
 27 blessing, escalated, and began to forcefully extract him from the car. Still suffering from his seizure  
 28 and confused as to what was happening, PLAINTIFF instinctively resisted their efforts. This resulted in

1 THOMPSON unleashing a string of profanities at PLAINTIFF that even his normally-protective  
 2 supervisors found to be unprofessional. Unfazed and unmoved by the folly and error of their own  
 3 behavior, the officers doubled down and forcefully pulled on, punched, kneed and tased PLAINTIFF,  
 4 leaving him bloodied by multiple cuts and contusions. PLAINTIFF suffered back injuries that still  
 5 plague him months later. Even after the scene turned shockingly violent, COLLYER said nothing.

6. To make matters worse, defendants GARCIA and THOMPSON (curiously not joined by  
 7 GOLDSTEIN) composed an incident report that was designed to cover up their senseless use of force  
 8 by suggesting that they had probable cause to believe PLAINTIFF was driving under the influence.  
 9 That report contained multiple falsehoods and calculated omissions designed to create the false  
 10 impression that PLAINTIFF had attacked them and should be charged with criminal offenses, when the  
 11 truth was quite the opposite. *They attacked him.*

7. The two officers' falsehood-ridden reports were submitted to the Contra Costa District  
 Attorney and, as a result, caused PLAINTIFF to fear he would face criminal charges for four months  
 after the incident, compounding the stress he was already suffering from his new diagnosis of epilepsy.  
 PLAINTIFF brings this action to hold defendants accountable for their misconduct and to raise public  
 awareness of the need for law enforcement officers to recognize and appropriately deal with the  
 innocent victims of brain seizures.

8. Not to be outdone, COLLYER wrote a report that falsely claimed PLAINTIFF was  
 combative upon his arrival and attributed to PLAINTIFF a threatening statement that PLAINTIFF  
 never made.

## II. JURISDICTION

9. Subject matter jurisdiction over the claims stated in this action is founded upon 28  
 U.S.C. §§ 1331 and 1343(a)(3) and(4), and the aforementioned statutory and constitutional provisions.  
 This Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1337  
 because they arise out of the same case or controversy under Article III of the United States  
 Constitution.

## III. INTRADISTRICT ASSIGNMENT

10. All of the events and/or omissions complained of herein occurred in Contra Costa

1 County, and this action is properly assigned to the Oakland or San Francisco Division.

2 **IV. FACTS COMMON TO ALL CAUSES OF ACTION**

3 **A. PARTIES**

4 11. PLAINTIFF is and at all relevant times was a resident of Contra Costa County, State of  
5 California. At the time of the incident he was 21 years old.

6 12. Defendant CITY OF HERCULES ("HERCULES") was at all relevant times a municipal  
7 corporation organized under the laws of the State of California. HERCULES operates a police  
8 department that, at all relevant times, was the employer of the named and DOE police officer  
9 defendants.

10 13. Defendant GARCIA was at all relevant times employed by defendant HERCULES to  
11 work as a uniformed police officer with a rank of patrol officer, subject to oversight and supervision by  
12 HERCULES elected and non-elected officials, and acted under the color of the laws, statutes,  
13 ordinances, regulations, policies, and customs of the State of California.

14 14. Defendant THOMPSON was at all relevant times employed by defendant HERCULES  
15 to work as a uniformed police officer, with a rank of corporal, subject to oversight and supervision by  
16 HERCULES elected and non-elected officials, and acted under the color of the laws, statutes,  
17 ordinances, regulations, policies, and customs of the State of California. Four months after the subject  
18 incident, he was promoted to the rank of sergeant.

19 15. Defendant GOLDSTEIN was at all relevant times employed by defendant HERCULES  
20 to work as a uniformed police officer, with a rank of patrol officer, subject to oversight and supervision  
21 by HERCULES elected and non-elected officials, and acted under the color of the laws, statutes,  
22 ordinances, regulations, policies, and customs of the State of California.

23 16. Defendant COLLYER was at all relevant times employed by defendant RHF PD to work  
24 as a uniformed firefighter and paramedic.

25 17. Defendant RHF PD was at all relevant times a special district organized under the laws  
26 of the State of California. RHF PD operates a fire department that, at all relevant times, was the  
27 employer of COLLYER and DOE fire fighter defendants.

28 18. At all times mentioned herein, the defendants, DOES 1 through 20, inclusive, and each

1 of them, were the supervisors and/or fellow servants of the named defendants, and/or policy-making  
 2 officials of HERCULES or RHFPD who are legally responsible in some manner for the events and  
 3 happenings referred to here, and proximately and legally caused injury and damage to PLAINTIFF as  
 4 alleged here. The true names and capacities, whether individual or otherwise of Defendants DOES 1  
 5 through 20 inclusive, are unknown to PLAINTIFF, who therefore sues Defendants by such fictitious  
 6 names; and leave of court will be requested to amend this complaint to show their true names and  
 7 capacities when the same have become ascertained.

8 19. On September 25, 2024, PLAINTIFF filed a claim for damages with HERCULES in  
 9 compliance with the California Government Code § 900 *et seq.* That claim was submitted within the  
 10 time periods prescribed by California Government Code §§ 911.2 and 945.6. HERCULES has not  
 11 responded to PLAINTIFF's claim. The claim therefore is deemed denied pursuant to California  
 12 Government Code § 912.4(c).

13 20. On September 25, 2024, PLAINTIFF filed a claim for damages with RHFPD in  
 14 compliance with the California Government Code § 900 *et seq.* That claim was submitted within the  
 15 time periods prescribed by California Government Code §§ 911.2 and 945.6. RHFPD served notice of  
 16 rejection of PLAINTIFF'S claim on November 14, 2024. This action is being filed within the time  
 17 limits set forth in California Government Code § 945.6(a)(1).

18 **B. MATERIAL FACTS**

19 21. The California Commission on Police Officer Standards and Training (POST) expects  
 20 police officers in the state to recognize that citizens they encounter may be suffering the effects of a  
 21 brain seizure, and act accordingly. POST publishes workbooks that outline the curriculum for the basic  
 22 training that every police officer receives before he or she can work in the State. Since at least 2017,  
 23 POST Learning Domain volume 34, Aver. 6.1, at page 5-12, contains a section on seizures which states  
 24 in part:

25 A seizure is the result of a surge of energy through the brain. Instead of discharging  
 26 electrical energy in a controlled manner, the brain cells continue firing, causing massive  
 27 involuntary contractions of muscles and possible unconsciousness. If only part of the  
 brain is affected, it may cloud awareness, block normal communication, and produce a  
 variety of undirected, unorganized movements.

28 22. The same section states that the "indicators" of a seizure may include disorientation,

1 slurred speech, staggering or an impaired gait, purposeless sounds and body movements, lack of  
 2 response, eyes rolling upward, and a partial or complete loss of consciousness.

3       23.    Medical authorities have long known that attempting to physically control a seizure  
 4 victim is precisely the wrong thing to do. For example, the Johns Hopkins School of Medicine  
 5 maintains a web site on seizures that explains:

6       After a seizure, the person may remain unconscious for several minutes as the brain  
 7 recovers from the seizure activity. He or she may appear to be sleeping or snoring.  
 8 Gradually the person regains awareness and may feel confused, exhausted, physically  
 9 sore, sad or embarrassed for a few hours. The person may not remember having a  
 10 seizure, and may have other memory loss. *Occasionally, people may have abnormal or  
 11 combative behavior after a tonic-clonic seizure while the brain is recovering.*

12 (emphasis added).

13       24.    In accord with this guidance from medical authorities, the POST workbook commands  
 14 officers who encounter seizure victims: **“Do not restrain them.”**

15       25.    Similarly, the POST workbook warns officers that **“agitated behavior during an  
 16 episode should not be perceived as deliberate hostility or resistance to the officer.”**

17       26.    Similarly, paramedics employed in the State of California learn from textbooks which  
 18 advise that when treating seizure victims, "Never attempt to restrain the patient," and "Provide a quiet,  
 19 reassuring atmosphere." Bledsoe & Cherry, Bledsoe's Paramedic Care Principles & Practice, 6th Ed.,  
 20 Vol. 2, p. 1236.

21       27.    The Hercules Police Department's policies and procedures contain multiple provisions  
 22 relevant to the conduct of both the defendant officers and paramedics:

## 23           **LAW ENFORCEMENT CODE OF ETHICS**

24       As a law enforcement officer, **my fundamental duty is to serve the community; to  
 25 safeguard lives and property; to protect the innocent against deception, the weak  
 26 against oppression or intimidation and the peaceful against violence or disorder;  
 27 and to respect the constitutional rights of all to liberty, equality and justice.**

28       \*\*\*\*\*

## 29           **467.5 PERSONS REFUSING EMS CARE**

30       **If a person who is not in custody refuses EMS care or refuses to be transported to a  
 31 medical facility, an officer shall not force that person to receive care or be  
 32 transported. However, members may assist EMS personnel when EMS personnel  
 33 determine the person lacks mental capacity to understand the consequences of**

**refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.**

\* \* \* \*

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. **In such cases, the officer should consult with a supervisor prior to the transport.**

(emphasis added).

## **THE SUBJECT INCIDENT**

28. On April 1, 2024, PLAINTIFF, a tradesman in Local 38 of the Plumbers, Steamfitters & HVAC/Refrigeration union, was driving home on Refugio Valley Road in Hercules, CA after a visit to his grandmother, when he suffered his first (but unfortunately not last) tonic-clonic (aka *grand mal*) seizure. At least two witnesses saw PLAINTIFF's car slow to a virtual stop while PLAINTIFF's head was tilted backward and his body was convulsing.

29. The witnesses watched as PLAINTIFF's vehicle slowly rolled down a small embankment about fifteen or twenty feet, until it was stopped by small trees and mud. The vehicle's air bags did not deploy, and PLAINTIFF suffered few or no injuries. His car suffered little to no damage.

30. One of the witnesses ran down the embankment to help PLAINTIFF and observed him continuing to convulse, entirely unresponsive. That witness entered the back seat of PLAINTIFF'S car and reached forward to turn off the car and remove the keys, which he gave to defendant GOLDSTEIN minutes later.

31. The other witness called 911 and expressly told the 911 operator that PLAINTIFF was convulsing and apparently unresponsive as his vehicle left the road, and that he appeared to be having a seizure. The fact that PLAINTIFF was suffering a seizure was conveyed to the individual defendants both through dispatch communications and the CAD system.

32. At 1:07:20 pm, defendant GARCIA entered the back seat of PLAINTIFF's vehicle, leaned forward and attempted to communicate with PLAINTIFF, with no success. PLAINTIFF was exhibiting and continued to exhibit symptoms of the postictal phase of a seizure. Initially he appeared

1 to be asleep. Eventually he recovered minimal consciousness, but did not appear to understand what  
 2 had happened, or even where he was.

3 33. GARCIA performed what appeared to be a sternum rub on PLAINTIFF's chest for close  
 4 to a minute - conduct that was unnecessary, inappropriate and could have been dangerous if  
 5 PLAINTIFF had suffered a chest injury. GARCIA reported to dispatch that PLAINTIFF was, in his  
 6 view, "10-45B," code for suffering a serious medical condition, but GARCIA recognized that  
 7 PLAINTIFF was breathing and showed no signs of being in imminent danger of death or serious  
 8 injury.

9 34. One minute after GARCIA, defendant GOLDSTEIN arrived and approached the driver  
 10 side door. He advised GARCIA , "don't move him .... He's having a seizure," and that GARCIA  
 11 should "just let him be." GOLDSTEIN repeated, "if he's fine, just let him be," to which GARCIA  
 12 responded, "OK."

13 35. GOLDSTEIN then walked back to the roadway, where he encountered the two  
 14 witnesses. The first witness physically demonstrated to GOLDSTEIN how, as his vehicle left the road,  
 15 PLAINTIFF's head was swung backwards and he was "convulsing." Both she and the other witness  
 16 provided their identifications to GOLDSTEIN, who photographed them and directed both witnesses to  
 17 leave, stating, "We'll call you if we need a statement later." Neither witness was contacted to provide  
 18 statements prior to the defendants' submitting a criminal report to the Contra Costa District Attorney.

19 36. At 1:09 pm, as GARCIA aimed his flashlight at PLAINTIFF's head, the BWC video  
 20 showed sweat - another telltale sign of a seizure - glistening on PLAINTIFF's neck. Later, the officers  
 21 discussed how "slick" PLAINTIFF was.

22 37. At 1:09:50 pm, defendant COLLYER, a firefighter and paramedic with the RHPD,  
 23 arrived at the scene and stood outside the open driver's door of PLAINTIFF'S vehicle. GARCIA told  
 24 COLLYER that PLAINTIFF looked "like he was having a seizure." GARCIA also told COLLYER he  
 25 saw no drugs and smelled no alcohol on PLAINTIFF's breath. Soon after, PLAINTIFF appeared to  
 26 regain partial consciousness, but was plainly confused about where he was and what had occurred.  
 27 Ignoring PLAINTIFF's incapacity, COLLYER asked PLAINTIFF if he had any medical issues,  
 28 seizures, or diabetes, or if he ingested any drugs or alcohol; PLAINTIFF said no to each question.

1       38. From that point forward both GARCIA and COLLYER repeatedly directed PLAINTIFF  
 2 to leave the car and walk up the hill, although neither of them voiced any belief that was immediately  
 3 necessary, or explained why PLAINTIFF could not be evaluated where he sat.

4       39. By 1:11:40, GARCIA's voice betrayed his callous annoyance. He repeated "Get. Out.  
 5 Of. The. Car.," punching each word out to convey his impatience, but PLAINTIFF plainly could not  
 6 understand what was happening and thought he could drive away. GARCIA repeatedly shoved and  
 7 shook PLAINTIFF, and when PLAINTIFF drowsily asked "why are you touching me," GARCIA  
 8 responded: "Because you are being told to do something and you need to do it."

9       40. PLAINTIFF began losing consciousness again, but GARCIA violently jostled him and  
 10 refused to "leave him be," as Officer Goldstein suggested just three minutes before. GARCIA told  
 11 PLAINTIFF he needed to leave or he would "yank" him out. PLAINTIFF's head kept falling to his  
 12 shoulder, because the seizure had left him exhausted.

13       41. Shortly after 1:12 pm, GARCIA, a mere five minutes after his arrival, lost his patience  
 14 and began to shove PLAINTIFF out of his car. By that time, GOLDSTEIN had returned and, despite  
 15 what he said four minutes earlier, joined GARCIA in attempting to forcibly extract PLAINTIFF from  
 16 the car. They were joined by defendant THOMPSON. Neither paramedic COLLYER nor any other  
 17 medically trained responder had indicated to the officers that extracting PLAINTIFF from the car was  
 18 necessary to avoid serious bodily injury or death. However, when GOLDSTEIN asked COLLYER if  
 19 he wanted the officers to force PLAINTIFF from the car, COLLYER inexplicably and improperly  
 20 responded affirmatively.

21       42. As the officers began to forcefully extract him from his car, PLAINTIFF repeatedly  
 22 asked, "What are you doing?" The officers did not relent. GARCIA grabbed PLAINTIFF by the neck,  
 23 angrily screamed "get out of the car," and cursed at PLAINTIFF repeatedly. In an even more shocking  
 24 display of unprofessional conduct, THOMPSON, who had been there at most two minutes, angrily  
 25 barked, **"Do not fucking fight us. You will fucking get ripped out of this car. We're not playing.**  
**Get the fuck up."**

27       43. After THOMPSON's expletive-ridden outburst failed to have any effect, GARCIA drove  
 28 stunned PLAINTIFF with his Taser, sending a high current through the body of a young man who had

1 just suffered a medical condition caused by abnormal electrical activity in the brain. GARCIA then  
 2 screamed, "GET OUT OF THE CAR."

3 44. PLAINTIFF was violently removed from his car, with GOLDSTEIN pulling on his  
 4 limbs and THOMPSON pulling him by his hair. PLAINTIFF continued to struggle and attempt to free  
 5 himself, as seizure victims are known to do, and as Cal. POST Learning Domain 34 warns. In  
 6 response, GARCIA, in violation of HPD Policy 309.5.4, used his Taser *twice* more, sending additional  
 7 pulses of current through PLAINTIFF's body. PLAINTIFF howled in pain.

8 45. In BWC videos recorded after PLAINTIFF was strapped to a gurney, THOMPSON  
 9 admitted that during the struggle he punched PLAINTIFF in the face twice. THOMPSON claimed it  
 10 was because PLAINTIFF kicked him, but no such kick is evident in the BWC videos.

11 46. Later, GARCIA admitted that PLAINTIFF was not combative until the officers began  
 12 grabbing him, stating, "He wasn't combative at first but as soon as ... 'hey dude we're getting you out of  
 13 the car' and Goldstein grabbed him he immediately started throwing hands."

14 47. During the entire physical struggle, defendant COLLYER said absolutely nothing.

15 48. In the aftermath of the physical battle, the defendant officers were advised that  
 16 PLAINTIFF was the son of a fellow law enforcement officer, and from that point they embarked on a  
 17 transparent effort to create the false impression that they suspected plaintiff of being high on drugs.

18 49. GARCIA searched PLAINTIFF's car and found no evidence that PLAINTIFF possessed  
 19 or used intoxicating or other illegal substances; he admitted to THOMPSON, "Dude there's nothing.  
 20 There's no pipes, there's no little baggies." Still, THOMPSON proclaimed "he's high on something,"  
 21 and GARCIA obtrusively stated that he agreed, "He's high as fuck on something, I just don't know  
 22 what it is." Garcia then silenced the audio on his BWC for the final twelve minutes of the recording  
 23 without explaining why in his narrative report, in plain violation of Hercules PD Audio/Video  
 24 Recorder ("AVR") policy, section 448.5.

25 50. THOMPSON violated the AVR policy from the start of the service call: he did not  
 26 activate his BWC at all. He claimed in his narrative report that his BWC "was not activated due to the  
 27 fast evolving events," which was utter nonsense: there was nothing "fast evolving" about the call until  
 28 the officers chose to force PLAINTIFF out of his vehicle. GOLDSTEIN, who was with THOMPSON

1 when the call came in, had no trouble activating his BWC.

2 51. Approximately 20 minutes after the incident, GARCIA continued his effort to justify his  
 3 conduct by taking a picture of PLAINTIFF's eye while shining a flashlight on his face, and comparing  
 4 the size of PLAINTIFF'S pupil *in the photo on his cell phone to a pocket guide published by the CHP.*  
 5 That was not a proper procedure for evaluating pupil size for law enforcement purposes.

6 52. By the time he was dragged to a gurney on the roadway shoulder, PLAINTIFF had a  
 7 lacerated lip, and a large portion of his white shirt was stained blood red.

8 53. PLAINTIFF was evaluated and released from the Contra Costa Regional Medical  
 9 Center in Martinez, having been diagnosed as having suffered a seizure.

10 54. Subsequently, PLAINTIFF was evaluated by Kaiser specialists, who conducted an EEG  
 11 that revealed abnormal signals consistent with an increased risk of seizures. PLAINTIFF was  
 12 diagnosed with epilepsy, and has been taking anti-seizure medications since shortly after the incident.  
 13 Since April 1, 2024 PLAINTIFF has suffered several additional seizures.

14 55. Test of PLAINTIFF'S blood and urine collected shortly after the incident revealed no  
 15 alcohol or drugs in his system other than trace amounts of THC, and a sedative administered to him in  
 16 the ambulance *after* the incident with defendants.

17 **FIRST CAUSE OF ACTION UNDER 42 U.S.C. § 1983**  
 18 **FOR UNLAWFUL ARREST IN VIOLATION OF THE FOURTH**  
 19 **AND FOURTEENTH AMENDMENTS AGAINST AGAINST DEFENDANTS GARCIA,**  
**THOMPSON AND GOLDSTEIN**

20 56. PLAINTIFF realleges each and every paragraph as if fully set forth herein.

21 57. Defendants GARCIA, THOMPSON AND GOLDSTEIN, acting under the color of  
 22 state law in their individual and personal capacities, deprived PLAINTIFF of the rights, privileges and  
 23 immunities secured by the Fourth and Fourteenth Amendments to the United States Constitution, to not  
 24 be deprived of liberty without due process of law, by subjecting him, or through their deliberate  
 25 indifference allowing others to subject him, to improper arrest without probable cause. Defendants  
 26 GARCIA, THOMPSON AND GOLDSTEIN had no factual basis for believing that PLAINTIFF had  
 27 committed a crime or was an immediate threat to his own safety when they encountered him sitting  
 peacefully in the front seat of his car. The mere fact that a person is in a single vehicle accident does

1 not constitute probable cause for believing he was driving while impaired by a intoxicating substance,  
 2 or that he had committed any other crime. This is so particularly in light of the fact that witnesses told  
 3 dispatchers that PLAINTIFF appeared to be suffering from a seizure, and that information was  
 4 successfully conveyed to GARCIA, THOMPSON AND GOLDSTEIN before they encountered  
 5 PLAINTIFF.

6 58. As a result of these defendants' deliberate indifference to PLAINTIFF's constitutional  
 7 rights, PLAINTIFF was deprived of those rights, and suffered physical injuries, emotional pain and  
 8 suffering, anxiety, confusion, disorientation, and other damages in an amount not yet ascertained but to  
 9 be proven.

10 59. Defendants GARCIA, THOMPSON AND GOLDSTEIN subjected PLAINTIFF to their  
 11 wrongful conduct knowingly, maliciously, and with conscious and reckless disregard for the rights and  
 12 safety of PLAINTIFF. The conduct of the aforementioned defendants entitles PLAINTIFF to punitive  
 13 damages and penalties allowable under 42 USC § 1983.

14 **SECOND CAUSE OF ACTION UNDER 42 U.S.C. § 1983 FOR UNREASONABLE USE  
 15 OF FORCE IN VIOLATION OF THE FOURTH AND FOURTEENTH AMENDMENTS  
 16 AGAINST DEFENDANTS GARCIA, THOMPSON AND GOLDSTEIN**

17 60. PLAINTIFF realleges each and every paragraph as if fully set forth herein.

18 61. Defendants GARCIA, THOMPSON AND GOLDSTEIN, acting under the color of  
 19 state law in their individual and personal capacities, deprived PLAINTIFF of the rights, privileges and  
 20 immunities secured by the Fourth and Fourteenth Amendments to the United States Constitution, by  
 21 subjecting him, or through their deliberate indifference allowing others to subject him, to unreasonable,  
 22 excessive force in detaining PLAINTIFF. Under the circumstances presented, no use of force at all  
 23 was warranted or reasonable.

24 62. As a result of the aforementioned defendants' unlawful conduct PLAINTIFF suffered  
 25 personal injuries, economic losses, great humiliation, embarrassment, and mental suffering, all to  
 PLAINTIFF's damage.

26 63. PLAINTIFF is entitled to seek damages suffered as a result of the above-described  
 27 conduct pursuant to 28 U.S.C. §§ 1983 and 1988.

28 64. Defendants GARCIA, THOMPSON AND GOLDSTEIN subjected PLAINTIFF to their

1 wrongful conduct knowingly, maliciously, and with conscious and reckless disregard for the rights and  
 2 safety of PLAINTIFF. Their conduct entitles PLAINTIFF to punitive damages and penalties  
 3 allowable under 42 USC § 1983.

4 **THIRD CAUSE OF ACTION FOR VIOLATION OF THE TITLE II  
 5 OF THE AMERICANS WITH DISABILITIES ACT (42 U.S.C. § 12131 et. sec.)  
 6 AGAINST DEFENDANTS HERCULES AND RHFPD**

7 65. PLAINTIFF realleges each and every paragraph as if fully set forth herein.

8 66. Thirty five years ago, when the United States Congress passed the Americans with  
 9 Disabilities Act (42 U.S.C. § 12131 et. seq.) (ADA), one of its express purposes was to prevent  
 10 inappropriate arrests and mistreatment of seizure victims. See *Jackson v. Inhabitants of Town of*  
*11 Sanford*, 1994 U.S. Dist. LEXIS 15367 at 24 n. 12 (D. Me. 1994) (quoting 1990 U.S.C.C.A.N. 473).  
 12 Title II of the ADA provides: “no qualified individual with a disability shall, by reason of such  
 13 disability, be excluded from participation in or be denied the benefits of the services, programs, or  
 14 activities of a public entity, or be subjected to discrimination by any such entity.” 42 U.S.C. § 12132.

15 67. Discrimination under the ADA includes not only a denial of benefits and services, but  
 16 also a failure to provide a reasonable accommodation for an individual’s disability.

17 68. On April 1, 2024, PLAINTIFF was a “qualified individual” under the ADA with regard  
 18 to the receipt of police and other emergency services.

19 69. At all relevant times on April 1, 2024, PLAINTIFF was disabled within the meaning of  
 20 the ADA. The automobile incident that resulted in a witness call for emergency services occurred  
 21 while PLAINTIFF was suffering from a *grand-mal* seizure, during which his neurological function was  
 22 so severely impaired that he was unconscious, unable to communicate or understand communications  
 23 from others, and unable to control the movements of his body. When he was first encountered by  
 24 defendant GARCIA, PLAINTIFF was in the postictal phase of the seizure, during which the victim  
 25 remains unable to understand and act upon oral commands, and sometimes perceives efforts to restrain  
 26 him as a threat. In such cases, the victim may respond instinctively to restraint by seeking to escape  
 27 and flee. PLAINTIFF remained in this condition from the time GARCIA encountered him to the time  
 28 that all three individual defendants violently removed him from his car. None of PLAINTIFF’s  
 conduct up to and through the time of his physical detention was the product of conscious thought.

1       70. Shortly after April 1, 2024, PLAINTIFF was found through EEG testing to have an  
 2 organic brain disorder that rendered him susceptible to seizures, and his doctors have formally  
 3 diagnosed him with a seizure disorder. He has been taking anti-seizure medications, but continues to  
 4 suffer episodic grand-mal seizures as his doctors attempt to find the correct dosage to control his  
 5 condition. Because his seizure disorder remains insufficiently controlled by medications, PLAINTIFF  
 6 is not qualified to drive and cannot safely work in his chosen profession. All of these disabling  
 7 conditions were present on April 1, 2024.

8       71. Defendants HERCULES and RHFPD are public entities as defined under the ADA.

9       72. The ADA applies to arrests, detentions, and other activities of police officers in their  
 10 dealings with the general public, as well as to the actions of medical first responders including  
 11 paramedics.

12       73. Under the ADA defendant HERCULES is vicariously liable for the misconduct of its  
 13 employees and agents, including defendants GARCIA, THOMPSON and GOLDSTEIN, and defendant  
 14 RHFPD is vicariously liable for the misconduct of its employees and agents, including defendant  
 15 COLLYER.

16       74. When defendants GARCIA, THOMPSON, GOLDSTEIN and COLLYER encountered  
 17 PLAINTIFF on April 1, 2024, they actually knew, and certainly had reason to know that PLAINTIFF  
 18 was disabled by a brain seizure. They were informed by dispatchers that an eyewitness reported seeing  
 19 PLAINTIFF suffering from a seizure. GOLDSTEIN told GARCIA that PLAINTIFF was suffering  
 20 from a seizure, and GARCIA expressed his agreement with that appraisal. When COLLYER arrived  
 21 on scene, GARCIA told him PLAINTIFF was suffering for a seizure. GARCIA searched  
 22 PLAINTIFF's car moments after his arrival and saw no evidence to suggest PLAINTIFF was suffering  
 23 from anything other than the seizure reported by witnesses. GARCIA found no evidence of drug use  
 24 and detected no order of alcohol while sitting in the car with PLAINTIFF, and he so informed the other  
 25 defendants.

26       75. Defendants HERCULES and RHFPD, through their employees and agents, defendants  
 27 GARCIA, THOMPSON, GOLDSTEIN, and COLLYER, wrongfully arrested, seized, authorized  
 28 and/or used excessive force against, and injured PLAINTIFF, because those employees misperceived

1 the non-criminal effects of PLAINTIFF's disability as evidence of impaired driving and criminal  
 2 interference with the performance of their duties.

3       76.     In addition, even if defendants GARCIA, THOMPSON and GOLDSTEIN had probable  
 4 cause to detain or arrest plaintiff for a crime that they thought might be unrelated to his disability, they  
 5 and COLLYER violated the ADA by failing to reasonably accommodate PLAINTIFF's known  
 6 disability, causing him to suffer physical and emotional injuries he need not have suffered.  
 7 PLAINTIFF's need for accommodation was obvious and apparent, based on the totality of the  
 8 circumstances, defendants GARCIA, THOMPSON, GOLDSTEIN and COLLYER's actual knowledge,  
 9 and defendants training on generally accepted law enforcement and paramedics' standards for safely  
 10 handling encounters with seizure victims. The reasonable accommodations that defendants GARCIA,  
 11 THOMPSON, GOLDSTEIN and COLLYER were required to provide, and failed to provide, included  
 12 following California POST training and generally accepted standards for safely handling seizure  
 13 victims by refraining from making unnecessary physical contact with PLAINTIFF, making no effort to  
 14 restrain him, and providing him with sufficient time to recover from the seizure and understand what  
 15 had occurred, and what he needed to do.

16       77.     The aforementioned individual defendants knew that giving PLAINTIFF time to recover  
 17 from the seizure was an available accommodation, as evidenced by the fact that GOLDSTEIN told  
 18 GARCIA that they should just "leave him be," and GARCIA agreed. Body worn camera videos show  
 19 that all of the individual defendants loitered at the scene of the incident for at least 20 minutes after  
 20 they extracted him from his vehicle, demonstrating that they had no pressing need to attend to other  
 21 matters. PLAINTIFF has suffered multiple seizures since April 1, 2024 and in each instance he  
 22 recovered his cognitive abilities within 15 minutes.

23       78.     Defendants HERCULES and RHFPD also are directly liable to PLAINTIFF for  
 24 violating the ADA by discriminating against seizure victims by failing to properly train their  
 25 employees on how to recognize seizure victims and/or and treat them appropriately. Defendants  
 26 GARCIA, THOMPSON, GOLDSTEIN and COLLYER knew that PLAINTIFF was suffering from a  
 27 seizure but had not been provided with the training required to treat him appropriately.

28       79.     As a direct and proximate result of the violations of the ADA by defendants

1 HERCULES and RHFPD, by and through their employees and agents, PLAINTIFF sustained serious  
 2 and permanent injuries and is entitled to damages, penalties, costs and attorneys' fees under 42 U.S.C.  
 3 § 12205.

4 **FOURTH CAUSE OF ACTION UNDER CALIFORNIA CIVIL CODE § 52.1 (BANE ACT) -**  
 5 **UNLAWFUL DETENTION AND EXCESSIVE FORCE - AGAINST DEFENDANTS**  
**HERCULES, GARCIA, THOMPSON AND GOLDSTEIN**

6 80. PLAINTIFF realleges each and every paragraph as if fully set forth herein.

7 81. Under California Civil Code Section 52.1, if a person interferes by threat, intimidation,  
 8 or coercion, or attempts to interfere by threat, intimidation, or coercion, with the exercise or enjoyment  
 9 by any individual of rights secured by the Constitution or laws of the United States, or of the rights  
 10 secured by the Constitution or laws of California, any individual whose exercise or enjoyment of rights  
 11 has been interfered with may bring a civil action for damages.

12 82. Using threats, intimidation, and coercion, including but not limited to verbal, profanity-  
 13 laced threats, pushing, pulling, grabbing, punching and tasing PLAINTIFF's body, and by taking  
 14 PLAINTIFF to the ground and and arresting him without probable cause, defendants GARCIA,  
 15 THOMPSON AND GOLDSTEIN attempted to and did interfere with PLAINTIFF's rights and  
 16 privileges to be free of unlawful detention and excessive force secured under the Fourth and Fourteenth  
 17 Amendments to the United States Constitution, and the laws of the State of California and the  
 18 California Constitution. The aforementioned defendants subjected PLAINTIFF to such wrongful  
 19 conduct knowingly, maliciously, and/or with conscious and reckless disregard for whether the rights  
 20 and safety of PLAINTIFF would be violated by their acts and/or omissions.

21 83. As a direct and proximate result of the aforementioned defendants' acts and/or omissions  
 22 as set forth above, PLAINTIFF sustained injuries and damages as set forth in this complaint.

23 84. The aforementioned acts were committed by defendants while in the course and scope  
 24 of their employment by defendant HERCULES. Defendant HERCULES is vicariously liable for harm  
 25 caused by its employees and agents, including the aforementioned individual defendants, pursuant to  
 26 California Government Code Section 815.2(a) and California common law.

27 85. The conduct of the aforementioned defendants entitles PLAINTIFF to an award of

1 actual damages, punitive damages and exemplary damages up to three times actual damages, a civil  
 2 penalty of \$25,000, costs, and attorneys' fees pursuant to California Civil Code Sections 52 and 52.1.  
 3 No punitive damages are sought against defendant HERCULES.

4 **FIFTH CAUSE OF ACTION UNDER CIVIL CODE SECTION 51.7 (RALPH ACT) -**  
**VIOLENT ACTS AND FALSE POLICE REPORTS - AGAINST DEFENDANTS HERCULES,**  
**GARCIA, THOMPSON AND GOLDSTEIN**

5  
 6 86. PLAINTIFF realleges and incorporates herein by reference the previous allegations as if  
 7 fully set forth herein.

8  
 9 87. Pursuant to California Civil Code Section 51.7 (the Ralph Act), all persons within the  
 10 jurisdiction of this state have the right to be free from any violence, or intimidation by threat of  
 11 violence, "on account of" any disability or medical condition, including epilepsy and seizure disorders.  
 12 The right to be free from disability-based violence or intimidation under the Ralph Act includes the  
 13 right to be free from being the subject of a claim or report to a law enforcement agency that falsely  
 14 alleges that the person has engaged in unlawful activity or in an activity that requires law enforcement  
 15 intervention, when the person making the report knows that the claim or report is false, or makes the  
 16 report with reckless disregard for the truth or falsity of the claim or report. The Contra Costa District  
 17 Attorney's office is a "law enforcement agency" under California law, including for the purposes of the  
 18 Ralph Act.

19 88. Defendants GARCIA, THOMPSON, and GOLDSTEIN violated the Ralph Act when,  
 20 "on account of" PLAINTIFF's seizure disorder and consequent inability to understand and comply  
 21 with their attempts to communicate with him, they grew angry with PLAINTIFF and subjected  
 22 PLAINTIFF to a violent assault and battery.

23 89. Defendants GARCIA, THOMPSON and DOES 1-20 also violated the Ralph Act when,  
 24 "on account of" PLAINTIFF's seizure disorder and consequent inability to understand and comply  
 25 with their attempts to communicate with him, they submitted a report to the Contra Costa County  
 26 District Attorney's office which falsely, dishonestly, corruptly and maliciously accused PLAINTIFF of  
 27 serious crimes of moral turpitude, in an effort to cover up their beating of a citizen who was suffering  
 28 from a medical emergency.

90. Pursuant to California Government Code Section 815.2, defendant HERCULES is legally liable for all damages suffered as a result of the aforesaid actions of the individual named and DOE defendants.

**SIXTH CAUSE OF ACTION FOR COMMON LAW FALSE ARREST  
(CAL. GOVT. CODE §§ 815.2, 820) AGAINST DEFENDANTS HERCULES, GARCIA,  
THOMPSON AND GOLDSTEIN**

91. PLAINTIFF realleges each and every paragraph as if fully set forth herein.

92. Defendants GARCIA, THOMPSON AND GOLDSTEIN arrested PLAINTIFF without a warrant and without probable cause to suspect he had committed a crime or was otherwise subject to arrest. Each of those defendants has been advised and knew that PLAINTIFF appeared to have suffered an epileptic seizure, and knew from their training that any behavior he might exhibit should not be mistaken for conscious resistance or other criminal behavior.

93. As a proximate result of those defendants' intentional and wrongful conduct, PLAINTIFF suffered damages.

94. The aforementioned acts were committed by defendants while in the course and scope of their employment by defendant HERCULES. Defendant HERCULES is vicariously liable for the common law torts of its employees and agents, including the aforementioned individual defendants, pursuant to California Government Code Section 815.2(a) and California common law.

95. The above-recited actions of the individual defendants were done with malice, fraud, or oppression, and in reckless disregard of the plaintiff's rights. As a result, pursuant to California Civil Code § 3294, PLAINTIFF also is entitled to and seeks punitive damages against all individual defendants in their individual capacities.

**SEVENTH CAUSE OF ACTION FOR COMMON LAW BATTERY  
(CAL. GOVT. CODE §§ 815.2, 820) AGAINST DEFENDANTS HERCULES, GARCIA,  
THOMPSON AND GOLDSTEIN**

96. PLAINTIFF realleges each and every paragraph as if fully set forth herein.

97. Defendants GARCIA, THOMPSON AND GOLDSTEIN, by committing violence against PLAINTIFF, intentionally caused offensive contact with PLAINTIFF's person.

98. PLAINTIFF did not consent to such violent and offensive acts and contact by

1 defendants.

2 99. As a proximate result of those defendants intentional and wrongful conduct,  
 3 PLAINTIFF suffered damages.

4 100. The aforementioned acts were committed by defendants while in the course and scope  
 5 of their employment by defendant HERCULES. Defendant HERCULES is vicariously liable for the  
 6 common law torts of its employees and agents, including the aforementioned individual defendants,  
 7 pursuant to California Government Code Section 815.2(a) and California common law.

8 101. The above-recited actions of the individual defendants were done with malice, fraud, or  
 9 oppression, and in reckless disregard of the PLAINTIFF's rights. As a result, pursuant to California  
 10 Civil Code § 3294, PLAINTIFF seeks punitive damages against all individual defendants in their  
 11 individual capacities.

12 **EIGHTH CAUSE OF ACTION BASED ON COMMON LAW  
 13 NEGLIGENCE (CAL. GOVT. CODE §§ 815.2, 820) AGAINST DEFENDANTS HERCULES,  
 14 GARCIA, THOMPSON, GOLDSTEIN AND DOES 1-20.**

15 102. PLAINTIFF realleges each and every paragraph as if fully set forth herein.

16 103. Defendants GARCIA, THOMPSON AND GOLDSTEIN owed PLAINTIFF the duty to  
 17 act with reasonable care and skill in the execution and enforcement of their duties pursuant to  
 18 California Government Code Sections 820 and 844.6(d), and California Civil Code Sections 1708 and  
 19 1714(a).

20 104. The aforementioned defendants breached their duties to act with reasonable care in that:

21 (a) all three defendants failed to follow their training, departmental procedures and established  
 22 standards of care in the police profession by failing to allow PLAINTIFF time to recover after they  
 23 were expressly told he was suffering from a seizure, and instead using force to remove him from his  
 24 vehicle. Even if they genuinely thought he was impaired by substance abuse, that belief was  
 25 without specific articulable facts to support it. PLAINTIFF's involvement in a solo vehicle accident  
 26 did not create a reasonable suspicion of criminal conduct when an eyewitness had provided a credible  
 27 (and ultimately correct) medical explanation for PLAINTIFF's disability.

28 (b) all three defendants negligently failed to follow departmental procedures that required a

1 determination by EMS personnel that PLAINTIFF needed to be removed from the car to prevent  
 2 "serious bodily injury" or "death," before he could be forcibly moved without his consent.

3 (c) all three defendants negligently failed to follow their own departmental procedures in failing  
 4 to consult with a supervising officer prior to attempting to move a person to avoid death or serious  
 5 injury.

6 (d) defendants GARCIA and THOMPSON were negligent in failing, before submitting their  
 7 incident reports, to obtain information from the two witnesses who expressly told GOLDSTEIN that  
 8 they saw PLAINTIFF displaying seizure symptoms at the time his vehicle left the road.

9 (e) defendant GOLDSTEIN was negligent in failing to follow his own advice and in violating  
 10 departmental procedure (No. 300.2.1) as well as state and federal law in failing to intercede when he  
 11 saw two other officers violate PLAINTIFF'S legal and constitutional rights and their own training, by  
 12 using force on a young man who was recovering from a brain seizure. GOLDSTEIN knew  
 13 PLAINTIFF was reported to be having a seizure, heard and saw a witness describe that PLAINTIFF  
 14 convulsing in a posture that resembled that of a seizure victim, and knew that the proper response was  
 15 to, as he told GARCIA, "leave him be," yet GOLDSTEIN did nothing to stop GARCIA and  
 16 THOMPSON from battering a man suffering a medical crisis, and instead assisted them.  
 17 GOLDSTEIN's conduct was incomprehensible.

18 (f) Defendants DOES 1-20 negligently and incompetently chose to submit a criminal report to  
 19 the Contra Costa County District Attorney, charging PLAINTIFF with the crime of driving under the  
 20 influence of any drug, Vehicle Code § 23152(f), even after receiving blood test results that showed  
 21 plaintiff was not driving under the influence. The test results showed trace amounts of marijuana that  
 22 could not have impaired plaintiff's ability to drive, and the presence of a sedative - benzodiazepine -  
 23 that the DOE defendants apparently believed was in PLAINTIFF'S bloodstream at the time of the  
 24 incident. However, they negligently failed to review plaintiff's ambulance or hospital records, both of  
 25 which noted that EMTs gave plaintiff Versed (a type of benzodiazepine) *after* the incident with the  
 26 officers. The DOE defendants also ignored multiple communications from PLAINTIFF'S family  
 27 informing them that PLAINTIFF had suffered additional seizures and had been diagnosed with  
 28 epilepsy based on objective testing of his brain function, lending strong support for the conclusion that

PLAINTIFF was disabled by a seizure during the April 1 incident. Specifically, on April 15, 2024 and May 8, 2024, the DOE defendants were informed of PLAINTIFF's repeated seizures and diagnosis and provided with supporting records, yet still chose to seek prosecution of PLAINTIFF by submitting their reports to the District Attorney on July 15, 2024. Although the District Attorney officially determined that the case lacked merit within two weeks, by July 29, and so informed the named and DOE defendants, none of them chose to inform PLAINTIFF or his family of the fact that he would not be prosecuted, and PLAINTIFF did not learn that his name had been cleared until November 2024.

105. As a direct and proximate result of the aforementioned negligence, PLAINTIFF sustained serious and permanent injuries and damages, and is entitled to relief from each and every defendant.

106. The aforementioned acts were committed by defendants while in the course and scope of their employment by defendant HERCULES. Defendant HERCULES is vicariously liable for the common law torts of its employees and agents, including the aforementioned individual defendants, pursuant to California Government Code Section 815.2(a) and California common law.

107. The above-recited actions of the individual defendants were done with malice, fraud, or oppression, and in reckless disregard of PLAINTIFF's rights. As a result, pursuant to California Civil Code § 3294, PLAINTIFF also is entitled to and seeks punitive damages against all individual defendants in their individual capacities.

**NINTH CAUSE OF ACTION FOR COMMON  
LAW INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS  
(CAL. GOVT. CODE §§ 815.2, 820) AGAINST DEFENDANTS HERCULES, GARCIA,  
THOMPSON, GOLDSTEIN AND DOES 1-20**

108. PLAINTIFF realleges and incorporates herein by reference the previous allegations as if fully set forth herein.

109. The following actions of defendants GARCIA, THOMPSON, GOLDSTEIN, HERCULES AND DOES 1-20, were intentional, extreme, outrageous and despicable:

a) arresting or supporting the arrest of PLAINTIFF when they knew PLAINTIFF was incapable of committing a crime and was in medical distress;

b) writing narrative reports that accused PLAINTIFF of committing violent acts they knew

1 PLAINTIFF did not commit; and

2 c) recommending to the District Attorney that PLAINTIFF be charged with crimes they knew

3 PLAINTIFF did not commit.

4 110. Defendants abused their positions of authority as members of a public law enforcement  
5 agency, which provided them power to affect PLAINTIFFS' interests and well-being.

6 111. The above mentioned defendants knew that PLAINTIFF, having just suffered from a  
7 serious medical event, was particularly vulnerable to emotional distress, and that their aforementioned  
8 conduct would likely result in PLAINTIFF suffering severe mental and emotional distress. Their  
9 actions in arresting and accusing plaintiff of crimes, even after it was demonstrated that he suffered  
10 from a seizure disorder, were done with the intent to cause him serious emotional distress, or with  
11 reckless disregard of the probability of causing him serious emotional distress.

12 112. As a direct, legal and proximate result of the actions of the aforementioned named and  
13 DOE defendants, PLAINTIFF suffered severe emotional distress, all to his damage in a sum to be  
14 shown according to proof and within the jurisdiction of the Superior Court.

15 113. The aforesaid were carried out with a conscious disregard of PLAINTIFF's right to be  
16 free from such tortious and criminal behavior, such as to constitute oppression, fraud or malice  
17 pursuant to California Civil Code Section 3294, entitling PLAINTIFF to punitive damages in an  
18 amount appropriate to punish and set an example of the individual named and DOE defendants.

19 114. Pursuant to California Government Code Section 815.2, defendant HERCULES is  
20 legally liable for all compensatory damages suffered as a result of the aforesaid tortious actions of the  
21 individual named and DOE defendants.

22 **TENTH CAUSE OF ACTION FOR COMMON LAW  
23 DEFAMATION (CIVIL CODE § 43; GOVT. CODE §§ 815.2, 820)  
AGAINST DEFENDANTS GARCIA, THOMPSON, COLLYER, HERCULES, RHFPD AND  
24 DOES 1-20**

25 115. PLAINTIFF realleges and incorporates herein by reference the previous allegations as if  
fully set forth herein.

26 116. Pursuant to California Civil Code Section 43, PLAINTIFF had the "right of protection  
27 from ... personal insult, from defamation, and from injury to his personal relations."

1       117. Defendants GARCIA and THOMPSON violated PLAINTIFFS' aforementioned rights  
 2 by intentionally and knowingly publishing, to other Hercules PD officers and supervisors and the  
 3 Contra Costa County District Attorney's office, false information dishonestly, corruptly and  
 4 maliciously accusing PLAINTIFF of serious crimes of moral turpitude, claiming or insinuating that  
 5 PLAINTIFF was driving while high on drugs and consciously interfered with the work of police  
 6 officers. This was done in an effort to cover up their misconduct, discredit PLAINTIFF, intimidate  
 7 him, impair his ability to make claims against them for their violations of his rights, and discourage  
 8 him from even attempting to make such claims. Said defendants also intentionally and knowingly  
 9 insinuated that PLAINTIFF engaged in criminal conduct by their selective omission of pertinent facts.

10       118. Defendants GARCIA and THOMPSON made numerous false and defamatory claims  
 11 and misleading omissions in their narrative reports. Specifically, GARCIA falsely claimed or falsely  
 12 insinuated:

13           (a) That PLAINTIFF violated Section 69(a) of the Penal Code, which prohibits a person from  
 14 using violence to interfere with a police officer's performance of his or her duties. The only action that  
 15 GARCIA and the other officers on scene took on that day that PLAINTIFF interfered with was the  
 16 officers' forceful removal of him from his car, but neither GARCIA nor any other officer did our could  
 17 articulate why they had a legal duty to remove PLAINTIFF from his vehicle.

18           (b) That PLAINTIFF violated Section 23152(f) of the Vehicle Code. As noted, there was no  
 19 evidence in PLAINTIFF's car of drug use, and there was affirmative evidence that PLAINTIFF was  
 20 instead incapacitated by a medical condition.

21           (c) That he saw PLAINTIFF "make his right hand into a fist" seconds before defendant  
 22 THOMPSON punched PLAINTIFF in the face. GARCIA made no such claim while discussing the  
 23 incident with other officers at the scene, and if PLAINTIFF balled his hand into a fist, it was not a  
 24 violent act but rather a natural response to being pulled, pushed, grabbed and tased by the three  
 25 officers.

26           (d) That PLAINTIFF "ignored all Officers' commands," falsely implying that PLAINTIFF had  
 27 the capacity to understand those commands, which he did not. Indeed, GARCIA himself reported that  
 28 PLAINTIFF seemed to have "no clue as to what was happening."

(e) That he (GARCIA) had the experience and training to identify persons impaired by psychoactive drugs, in order to buttress his claim that PLAINTIFF was so impaired. There is one certification recognized in the State of California for police officer expertise in recognizing when a person is impaired by drugs: the International Drug Evaluation and Classification (DEC) Program operated by the International Association of Chiefs of Police (IACP). Police officers who successfully complete the program are certified as a drug recognition expert or evaluator (DRE). GARCIA was not and is not a DRE, and did not perform a competent evaluation of PLAINTIFF at the accident scene or after.

119. GARCIA's report also contained omissions designed to mislead readers, including:

(a) Failing to mention that Officer Goldstein arrived on scene and that they initially agreed that because PLAINTIFF was reported to have suffered a seizure, they should leave him alone and not attempt to move him;

(b) Failing to mention that PLAINTIFF did not exhibit any aggressive behavior until he (Garcia) and other officers and firefighters began shoving and grabbing him;

(c) Failing to mention that PLAINTIFF denied the use of drugs repeatedly, both while they were in PLAINTIFF's car during the postictal phase of the seizure, and hours later, after he recovered and was sitting in the hospital;

(d) Noting that PLAINTIFF tried to fasten his seat belt and close his door, insinuating that there was a danger he would move his vehicle and injure himself or others, without noting that the vehicle was not running and the keys were in the custody of defendant GOLDSTEIN.

(e) Insinuating that PLAINTIFF made a fist with the intention of striking one of the officers, without mentioning that PLAINTIFF was entirely docile before officers began grabbing and striking him;

(f) Failing to mention in his report that blood and urine tests contradicted his claims that PLAINTIFF was driving under the influence,

(g) Claiming that in his experience PLAINTIFF'S behavior suggested he had taken "psychoactive drugs," without mentioning that PLAINTIFF'S was at least equally consistent with a medical condition, and

(h) Most importantly, failing to mention that at the time they used force to remove PLAINTIFF from his car, the officers had no articulable basis for detaining or arresting PLAINTIFF, including no basis for believing that he had to be removed from his car promptly for his own safety.

120. Defendant THOMPSON falsely claimed:

(a) That the response was to a report of a "solo vehicle collision." As noted, the response was to a report of a driver in medical distress.

(b) That he observed "object [sic] signs" of intoxication in PLAINTIFF's behavior, including confusion, falling in and out of consciousness, and being involved in a traffic accident. Like GARCIA, Thompson did not indicate he has DRE certification, and the things he observed are **not** objective signs of intoxication such as the odor of alcohol, lack of physical coordination and slurred speech; they are objective signs of a host of medical conditions and impairments, including seizures.

(c) That firefighters requested assistance because "they feared Bruce may attack them." That was a baseless fabrication. The BWC recordings make clear that PLAINTIFF exhibited no desire to "attack" anyone; when the officers were not pushing and shoving him, he repeatedly fell asleep. The many firefighters at the scene neither expressed nor displayed any indication that they feared PLAINTIFF would attack them, and did not request police assistance for that reason or *any* reason. Instead, GOLDSTEIN offered to remove PLAINTIFF from the car and the rookie paramedic in charge, who had been in uniform for about one year, simply consented to that proposal.

121. Upon information and belief, DOES 1-20 also committed defamation by republishing the officers' falsehood-laden narrative reports to the Contra Costa County District Attorney's office, with knowledge or reckless disregard for the fact that PLAINTIFF had no illegal substances in his body, had suffered a seizure, and lacked the mental capacity to commit any crimes.

122. GARCIA'S AND THOMPSON'S false accusations were retransmitted to state and federal databases.

123. In order to cover up his misconduct, COLLYER prepared and submitted to supervisors and others at the RHFPD a Patient Care Report that falsely claimed PLAINTIFF was "combative" upon his unit's arrival, and falsely quoted PLAINTIFF as stating "Get away or I will fuck you up," when COLLYER approached. PLAINTIFF said no such thing; defendant GARCIA's BWC video shows that

1 when COLLYER approached, PLAINTIFF was sleeping.

2 124. All of the aforesaid individual DEFENDANTS' false and misleading publications were  
 3 *per se* defamatory, and the named and DOE defendants made or caused to be made the aforementioned  
 4 false and defamatory reports knowing that the reports were false, or with reckless disregard for the  
 5 truth or falsity of the reports, and thus those defamatory reports were not privileged communications,  
 6 pursuant to Civil Code Section 47(b)(5).

7 125. As a direct and proximate result of GARCIA, THOMPSON, COLLYER, AND DOES  
 8 1-20's wrongful conduct, PLAINTIFF has suffered damages including but not limited to economic  
 9 losses, loss of reputation, emotional distress, humiliation, shame, and other damages.

10 126. In doing the things alleged herein, GARCIA, THOMPSON and COLLYER's conduct  
 11 was despicable. Those defendants acted toward PLAINTIFF with malice, oppression, fraud, and with  
 12 willful and conscious disregard for PLAINTIFF'S rights, entitling PLAINTIFF to recover punitive  
 13 damages from those individual defendants.

14 127. Pursuant to California Government Code Section 815.2, defendants HERCULES and  
 15 RHFPD are legally liable for all compensatory damages suffered as a result of the aforesaid tortious  
 16 actions of their employees and DOE defendants.

17 **ELEVENTH CAUSE OF ACTION FOR GROSS NEGLIGENCE**  
 18 **(HEALTH & SAFETY CODE § 1799.106; GOVT. CODE §§ 815.2, 820)**  
**AGAINST DEFENDANTS COLLYER, RHFPD AND DOES 1-20**

19 128. PLAINTIFF realleges and incorporates herein by reference the previous allegations as if  
 20 fully set forth herein.

21 129. Pursuant to Penal Code Section 409.3 and Health and Safety Code Section 1798.6,  
 22 authority for the management of PLAINTIFF'S care at the scene of his automobile collision was vested  
 23 in defendant COLLYER.

24 130. Consequently, and as stated previously, GARCIA, THOMPSON and GOLDSTEIN had  
 25 no authority to force plaintiff to receive care or be transported unless advised by COLLYER that "the  
 26 person lacks mental capacity to understand the consequences of refusing medical care or to make an  
 27 informed decision *and the lack of immediate medical attention may result in serious bodily injury or*  
 28 *the death of the person.*" (emphasis added). In other words, GARCIA, THOMPSON and

1 GOLDSTEIN had no right to force PLAINTIFF from his vehicle unless COLLYER found that: (1)  
 2 PLAINTIFF lacked mental capacity to make medical decisions for himself, and (2) failure to move  
 3 PLAINTIFF immediately could result in serious bodily injury or death.

4       131. Although there was a basis to conclude that PLAINTIFF temporarily lacked mental  
 5 capacity, there was no basis whatsoever for concluding that his life or health required that he be  
 6 immediately extracted from his car. To the contrary, COLLYER knew or or had ample reason to know  
 7 that PLAINTIFF was recovering from a grand mal or tonic-clonic seizure, and that the standard of care  
 8 was to leave PLAINTIFF alone and give him an opportunity to recover his faculties.

9       132. As a result of the above, COLLYER'S affirmative response when GOLDSTEIN offered  
 10 to forcefully extract PLAINTIFF from his vehicle was grossly negligent.

11       133. COLLYER'S failure to intervene when he witnessed the officers tasing, punching, and  
 12 beating PLAINTIFF also was grossly negligent.

13       134. Pursuant to California Government Code Section 815.2, defendant RHFPD is legally  
 14 liable for all compensatory damages suffered as a result of the aforesaid tortious actions of the  
 15 COLLYER and DOE defendants.

## 16       **V. PRAYER FOR RELIEF**

17       WHEREFORE, PLAINTIFF prays for a judgment against defendants, and each of them, as  
 18 follows:

19               (1) For general damages, including to compensate him for physical pain and suffering and  
 20 emotional distress, according to proof at the time of trial;

21               (2) For special damages, including the cost of medical care, according to proof at the time of  
 22 trial;

23               (3) For punitive and exemplary damages against the individual defendants as indicated above,  
 24 commensurate with the acts complained of herein;

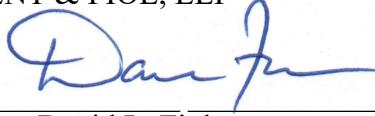
25               (4) For actual damages, penalties, costs, interest, and attorney fees as allowed by 42 U.S.C. §§  
 26 1983 and 1988, 42 U.S.C. § 12205, and federal law;

27               (5) For actual damages, punitive and exemplary damages against the individual defendants, civil  
 28 penalties, costs and attorneys fees pursuant to California Civil Code § 52.1, and

1 (6) For such other and further relief and damages as the Court may deem just and proper.  
2

3 DATED: April 1, 2025

BRENT & FIOL, LLP

4 By: 

5 David L. Fiol

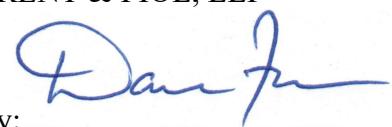
6 *Attorneys For Plaintiff Jack Francis Bruce*

7 **DEMAND FOR JURY TRIAL**

8 Plaintiff demands a jury trial on each and all of the causes of action set forth in this Complaint.

9 DATED: April 1, 2025

BRENT & FIOL, LLP

10 By: 

11 David L. Fiol

12 *Attorneys for PLAINTIFF*